United Nations CEDAW/C/TJK/CO/6

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Tajikistan*

1. The Committee considered the sixth periodic report of Tajikistan (CEDAW/C/TJK/6) at its 1643rd and 1644th meetings (see CEDAW/C/SR.1643 and CEDAW/C/SR.1644), held on 31 October 2018. The Committee's list of issues and questions is contained in CEDAW/C/TJK/Q/6 and the responses of Tajikistan are contained in CEDAW/C/TJK/Q/6/Add.1.

A. Introduction

2. The Committee welcomes the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/TJK/CO/4-5/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its delegation, which was headed by the Prosecutor General, Yusuf Rahmon, and included the Head of the Executive Office of the President of Tajikistan, the Director of the Statistics Agency of Tajikistan, the Chair of the Committee on Women and Family Affairs and representatives of the Permanent Mission of the Republic of Tajikistan to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2013 of the State party's combined fourth and fifth periodic reports (CEDAW/C/TJK/CO/4-5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Constitutional Law on Nationality, in 2015;

(b) Law on combating Trafficking in Persons and Providing Assistance to Victims, in 2014;

(c) Revised Law on Refugees, in 2014;

(d) Revised Law on State Registration of Civil Status.

* Adopted by the Committee at its seventy-first session (22 October–9 November 2018).

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5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) State programme for the education, selection and placement of capable women and girls in leadership positions for the period 2017–2022, in 2017;

(b) Presidential decree aimed at attracting women to the civil service, in 2017;

(c) State programme to combat the HIV/AIDS epidemic for the period 2017–2020, in 2017;

(d) State programme for the prevention of mother-to-child transmission of HIV for the period 2017–2020, in 2017;

(e) National plan of action on the sexual and reproductive health of mothers, newborns, children and adolescents for the period 2016–2020, in 2016;

(f) National plan of action for the prevention of trafficking in persons for the period 2016–2018, in 2016;

(g) Decision of the Government to establish and award presidential grants to support and develop the entrepreneurial activities of women for the period 2016–2020, in 2015;

(h) National strategy and plan of action on promoting the role of women for the period 2015–2020, in 2015;

(i) National plan of action for implementing the recommendations of the Committee concerning the combined fourth and fifth periodic reports of the State party, in 2014;

(j) State programme for the prevention of domestic violence for the period 2014–2023, in 2014;

(k) State programme on combating trafficking in persons for the period 2014–2016, 2014;

(l) National plan of action for implementing Security Council resolutions 1325 (2000) and 2122 (2013), on women and peace and security, aimed at strengthening the role of women in all stages of conflict prevention.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international instruments:

(a) Convention on the Prevention and Punishment of the Crime of Genocide, on 3 November 2015;

(b) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 22 July 2014.

Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

C. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring full implementation of the Convention (see A/65/38, part two, annex VI). It invites the Majlisi Oli, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

D. Principal areas of concern and recommendations

Withdrawal of declaration

9. The Committee expresses concern about the declaration made by the State party, upon accession to the Optional Protocol to the Convention, that it would not recognize the competence of the Committee provided for under articles 8 and 9 of the Optional Protocol.

10. **The Committee recommends that the State party consider withdrawing its declaration regarding the competence of the Committee provided for under articles 8 and 9 of the Optional Protocol.**

Definition of discrimination against women and legislative framework

11. The Committee notes that the legislation of the State party prohibits all forms of discrimination, including discrimination on the basis of sex. It welcomes the establishment of an interdisciplinary working group, with a view to formulating a separate anti-discrimination law. The Committee remains concerned, however, that the definition of discrimination contained in the current legislation does not include direct and indirect discrimination (CEDAW/C/TJK/CO/4-5, para. 9). The Committee is further concerned about the following:

(a) The absence of information on whether the Convention is directly applied or invoked in court proceedings;

(b) The fact that the legislation, policies and programmes of the State party do not adequately take into account the specific needs of women and girls;

(c) The reported lack of knowledge on women's rights and gender equality among civil servants.

12. **The Committee recommends that the State party:**

(a) **Accelerate, with a view to its adoption, the drafting of anti-discrimination legislation and ensure that it contains a comprehensive legal definition of discrimination against women in line with article 1 of the Convention, covering both direct and indirect discrimination, and that such legislation prohibits all forms of discrimination, including intersecting forms of discrimination;**

(b) **Strengthen capacity-building for members of the judiciary and legal professionals on how to invoke or directly apply the Convention, or interpret national legislation in the light thereof, in court proceedings;**

(c) **Apply a gender-sensitive approach in the implementation of its legislation, policies and programmes to ensure that they sufficiently address pre-existing gender inequalities and disparities and the needs of vulnerable groups of women and girls;**

(d) **Intensify existing awareness-raising initiatives and provide training to enhance knowledge on women's rights and gender equality among relevant stakeholders, including government and law enforcement officials, parliamentarians, judges, lawyers, education and health-care professionals and religious and community leaders.**

Access to justice

13. The Committee welcomes the establishment of mobile court sessions and the steps taken to provide free legal aid, in particular through the adoption of the Bar and Advocacy Act and the conceptual framework for providing free legal assistance to the public. The Committee is concerned that women rarely seek justice when they face gender-based violence and discrimination, specifically in rural areas, partly due to the fact that they are dissuaded by their relatives or law enforcement officials and partly due to social stigma and persistent discriminatory gender stereotypes. The Committee notes the following with concern:

(a) The absence of complaints lodged by women under article 143 of the Criminal Code, violation of equal rights, between 2015 and 2017;

(b) The limited number of persecutions and convictions in cases of gender-based violence and trafficking in women and girls;

(c) The limited access to free legal aid and information regarding available remedies for women and girls;

(d) The dramatic drop in the number of lawyers in the country following the recent amendments to the Bar and Advocacy Act, which may affect access for women to justice.

14. **The Committee recommends that the State party:**

(a) **Ensure that all women and girls have access to an effective, confidential and gender-sensitive complaint mechanism and encourage reporting in cases relating to all forms of gender-based violence and discrimination;**

(b) **Promote and ensure the accessibility of free, gender-sensitive legal aid for women with insufficient means, including women belonging to disadvantaged groups, throughout the State party, and ensure that the right of victims to legal assistance, including of their own choosing, are guaranteed throughout the proceedings;**

(c) **Strengthen the independence and effectiveness of the judiciary to investigate, prosecute and punish violations against women and ensure that the courts adequately address intersecting forms of discrimination;**

(d) **Develop targeted outreach activities to enhance awareness among women and girls of their rights and available legal remedies;**

(e) **Conduct awareness-raising campaigns to eliminate stigmatization and negative stereotypes of women seeking justice.**

National machinery for the advancement of women

15. The Committee welcomes the increased allocation of financial and human resources to the Committee for Women and the Family, the adoption of a plan of action for the national strategy on promoting the role of women for the period 2015–2020 and the establishment of an expert council on the gender analysis of draft laws under the Committee for Women and the Family. The Committee is concerned, however, about the limited number and scope of draft laws that were subjected to

gender analysis. It is also concerned that the mandate and capacity of the Committee for Women and the Family have not been strengthened.

16. **The Committee recalls its previous recommendation (CEDAW/C/TJK/CO/4-5, para. 12) and recommends that the State party:**

(a) **Strengthen the mandate of the national machinery for the advancement of women and ensure its visibility at the national and local levels by providing it with adequate human and financial resources and enhancing its capacity to formulate, coordinate and monitor the elaboration and implementation of legislation and policy measures in the field of gender equality;**

(b) **Provide for a mandatory gender analysis of all draft laws, policies and programmes, including at the local level, to ensure that they comply with the Convention and equip the entities mandated to carry out such analyses with adequate human, financial and technical resources;**

(c) **Allocate adequate human, technical and financial resources to implement the national action plan on promoting the role of women for the period 2015–2020 and undertake the necessary monitoring and impact assessments of its implementation;**

(d) **Strengthen capacity-building for the personnel of the Committee for Women and the Family in all areas covered by the Convention, including gender equality, and other issues pertinent to its mandate.**

National human rights institution

17. The Committee notes that the mandate of the Human Rights Ombudsman encompasses the protection of women's rights. The Committee is concerned, however, about the limited capacity of the Ombudsman to address and investigate complaints submitted by women and the fact that the Human Rights Ombudsman lacks independence and therefore does not fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

18. **The Committee recommends that the State party strengthen the office of the Human Rights Ombudsman by providing it with adequate financial and human resources to discharge its mandate effectively, independently and in compliance with the Paris Principles, in particular as it pertains to protecting women's rights and addressing complaints from women and girls in a confidential, gender-sensitive manner.**

Civil society and non-governmental organizations

19. The Committee is deeply concerned about the restrictions on the activities of civil society organizations following the amendments to the Law on Public Associations of 2007, which were adopted in 2015. It is particularly concerned about the following:

(a) Reports of frequent inspections, cumbersome registration and authorization requirements, as well as barriers to gaining access to foreign funding;

(b) Reported cases of intimidation, harassment and arbitrary detention of civil society activists, including women defending the rights of sex workers and lesbian, bisexual and transgender persons, who have suffered reprisals for their work and for "undermining traditional values";

(c) The limited cooperation of the State party with civil society organizations, including those working on women's rights.

20. **The Committee recommends that the State party:**

(a) **Review the amendments to the Law on Public Associations and ensure that there are no disproportionate restrictions on civil society organizations, in law or in practice, and that women's rights activists are able to exercise their rights to freedom of expression, assembly and association without intimidation or reprisals;**

(b) **Ensure that cases of alleged intimidation or reprisals against civil society activists are duly investigated, that perpetrators are prosecuted and appropriately punished and that victims receive protection from such acts;**

(c) **Strengthen cooperation with civil society organizations, in particular those working on women's rights, and systematically involve them in the development of related legislation, policies and programmes.**

Temporary special measures

21. The Committee notes that the State party has provided quotas and scholarships for girls to enter university and grants for women entrepreneurs. However, it remains concerned that:

(a) There is a lack of understanding by officials of the State party of the nature, purpose and necessity of temporary special measures, which are aimed at accelerating the achievement of substantive equality between women and men;

(b) The definition and application of temporary special measures have not been included in national law;

(c) Temporary special measures have not been adopted, in particular in political and public life, agriculture and other areas, in order to target disadvantaged groups of women.

22. **The Committee recalls its previous recommendation (CEDAW/C/TJK/CO/4-5, para. 14) and recommends that the State party:**

(a) **Strengthen its understanding and application of temporary special measures in order to accelerate progress towards the achievement of substantive equality between women and men, in particular in political and public life, agriculture and in relation to disadvantaged groups of women;**

(b) **Establish a legal basis and a mechanism for the application of temporary special measures;**

(c) **Raise awareness among relevant government officials, parliamentarians, employers and the general public of the nature of temporary special measures and their importance in accelerating the achievement of substantive equality between women and men in all areas in which women are underrepresented or disadvantaged.**

Stereotypes and harmful practices

23. The Committee notes with appreciation that the State party has conducted awareness-raising and outreach activities to overcome discriminatory gender stereotypes and has undertaken the first gender analysis of some textbooks. However, it remains concerned about the persistent discriminatory gender stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee is also concerned that the State party has not adopted a comprehensive multi-stakeholder strategy to promote gender equality and eliminate gender stereotypes (CEDAW/C/TJK/CO/4-5, para. 16 (a)). It is particularly concerned about reports that:

(a) Women who give birth to girls are often abandoned by their spouses;

(b) Girls, in particular those from rural areas, are frequently forced to choose marriage instead of education;

(c) Women belonging to the Pamiri minority group, who have more freedom to study and work, face prejudice and stigmatization from the Tajik majority since they do not comply with patriarchal attitudes and prescriptions regarding women's behaviour.

24. **The Committee recommends that the State party:**

(a) **Expeditiously design, adopt and implement a comprehensive strategy to eradicate gender stereotypes and patriarchal attitudes towards women and girls, in particular the dominant and discriminatory perception of the role of women in society and in the family, with the participation of relevant ministries, civil society organizations, community and religious leaders, schoolteachers and members of academia, the business sector and the media;**

(b) **Undertake a gender analysis of all textbooks, curricula and teaching materials, including at the university level, and revise them to remove discriminatory gender stereotypes;**

(c) **Undertake training for teaching personnel at all levels of education and integrate mandatory modules on women's rights and gender equality into school curricula;**

(d) **Strengthen measures to prepare boys and men for family life and responsibilities and to train girls and women for public life, in particular through targeted courses at all levels of education, workplace training, awareness-raising and advocacy activities;**

(e) **Regularly monitor the implementation and impact of the measures taken to eradicate gender stereotypes.**

Gender-based violence against women

25. The Committee notes with appreciation the adoption of Law No. 954 (2013) on the prevention of violence in the family and the State programme for the prevention of domestic violence for the period 2014–2023, the revised Code of Administrative Offences specifying liability for violations of the requirements of Law No. 954 (article 93) and the conditions for issuing restraining orders (article 93) and the revised Police Act adding individual measures for the prevention of domestic violence to the duties of police officers. The Committee is concerned, however, that:

(a) Gender-based violence against women remains widespread but underreported in the State party, such that 97 per cent of men and 72 per cent of women believe that a woman must tolerate violence to keep a family together;

(b) Gender-based violence against women, including domestic violence, marital rape and sexual assault, are not criminalized in the State party;

(c) There is no comprehensive strategy to combat all forms of gender-based violence against women and girls;

(d) There is systemic impunity for perpetrators of gender-based violence against women, as illustrated by the low number of prosecutions and convictions, the reports of police complicity, the focus on reconciliation and the failure to protect the confidentiality of victims;

(e) There are inadequate support services for women and girls who are victims of gender-based violence;

(f) There is no systematic monitoring of cases of gender-based violence and there is a lack of statistical data on such cases;

(g) Civil society organizations mainly lead the work of combating gender-based violence in the State party.

26. **The Committee recommends that the State party:**

(a) **Expedite the adoption of legislation to criminalize all forms of gender-based violence, including domestic violence, marital rape and sexual assault within and outside marriage;**

(b) **Conduct a survey on the prevalence of gender-based violence against women and girls, ensuring that it covers rural women and women and girls belonging to other disadvantaged groups;**

(c) **Develop a comprehensive strategy and action plan to eliminate all forms of gender-based violence against women on the basis of the results of the above-mentioned survey and ensure the full implementation, monitoring and impact evaluation of the strategy and the action plan;**

(d) **Ensure the effective enforcement and regular monitoring of, and adequate budget allocation to, the law on the prevention of violence in the family and the State programme for the prevention of domestic violence for the period 2014–2023;**

(e) **Strengthen the State party's leadership in efforts to combat gender-based violence, including by clearly defining the roles and responsibilities of, and improving coordination between, its agencies, such as the Committee on Women and the Family, the Ministries of Health, Justice and Internal Affairs, and the referral system for victims;**

(f) **Ensure that all reports of gender-based violence against women are duly investigated, that perpetrators are prosecuted and that victims have access to effective reparations, including compensation;**

(g) **Ensure the provision, from the State budget, of free legal aid, including for court representation, medical, psychological and psychosocial assistance, shelter, rehabilitation and reintegration programmes, to all women and girls who are victims of gender-based violence, including in rural areas and collect statistics on the number of victims who have received such assistance, disaggregated by age, ethnicity and geographical area;**

(h) **Provide targeted, mandatory capacity-building activities on the prevention and detection of, and the response to, all forms of gender-based violence, including domestic violence, for law enforcement and judicial officials, health and social workers and other professionals who deal with gender-based violence and interact with victims, including in rural areas;**

(i) **Continuously raise public awareness of all forms of gender-based violence, of available services, how to access them and for what purposes and of appropriate action by the authorities, including the police and domestic courts, and monitor of such activities and assess their impact;**

(j) **Improve the collection of data on cases of all forms of violence against women and girls by the authorities, including by disaggregating those data by type of violence, perpetrator, age and ethnicity of the victim and the outcome of such cases, and on the number of complaints received, investigations carried out, prosecutions conducted and the sentences imposed on perpetrators.**

Trafficking and sexual exploitation

27. The Committee welcomes the adoption of the Law on combating Trafficking in Persons and Providing Assistance to Victims, the State programme on combating trafficking in persons for the period 2014–2016 and the national plan for the prevention of trafficking in persons for the period 2016–2018. It is concerned, however, that the trafficking of women and girls, mainly for sexual exploitation, is often done under the guise of fraudulent or forced marriages. The Committee is also concerned about the following:

(a) The lack of enforcement of the legislative and policy measures on trafficking;

(b) The lack of capacity and coordination between State agencies to ensure the early and effective identification of victims, and the absence of awareness-raising initiatives to prevent trafficking in women and girls;

(c) The lack of protection services and budgetary allocations made available to victims of trafficking, including shelters for women with children, which remain highly dependent on donors;

(d) Reports that access to free legal aid for victims of trafficking is provided on the condition that victims consent to cooperate with law enforcement agencies;

(e) The lack of statistical data on the prevalence of trafficking in women and girls and on prosecutions and convictions.

28. **The Committee recommends that the State party:**

(a) **Ensure the effective enforcement and regular monitoring of, and adequate budget allocation to, the implementation of the Law on combating Trafficking in Persons and Providing Assistance to Victims and the national plan for the prevention of trafficking in persons;**

(b) **Strengthen coordination within State authorities concerning the identification, referral and protection of victims of trafficking in persons, while clearly defining their roles and responsibilities, to ensure the functioning of the national referral mechanism;**

(c) **Investigate and prosecute cases of trafficking in persons, especially women and girls, and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime;**

(d) **Enhance capacity-building for law enforcement officials, including border police, and judicial authorities in order to increase their ability to identify and refer potential victims of trafficking and investigate and prosecute cases in a gender-sensitive manner;**

(e) **Establish, without delay, a State fund for victim support and ensure the provision of protection and services to victims of trafficking, including shelter for mothers with children, free legal aid regardless of whether a victim consents to cooperate with law enforcement authorities and alternative income-generating opportunities;**

(f) **Strengthen the collection of statistical data, disaggregated by sex, age and type of trafficking, and information on prosecutions and convictions, support services and alternative income-generating opportunities provided.**

29. The Committee is concerned about reports that women engaged in prostitution are denied access to services provided by non-governmental organizations that implement programmes for the prevention of HIV and sexually transmitted infections

and that they face discrimination, intimidation, harassment, extortion and bribery, forced testing for HIV and sexually transmitted infections, arbitrary detention and physical violence by the police.

30. **The Committee recommends that the State party:**

(a) **Collect statistical data on the number and nature of complaints of police abuse and complicity in corruption targeted at women engaged in prostitution and ensure that such complaints are duly investigated, that perpetrators are prosecuted and punished with appropriate sanctions and that the confidentiality of victims is preserved;**

(b) **Ensure that women engaged in prostitution can benefit from the assistance provided by non-governmental organizations that implement programmes for the prevention of HIV and sexually transmitted infections;**

(c) **Provide exit programmes and alternative income-generating opportunities for women who wish to leave prostitution.**

Participation in public and political life

31. The Committee commends the State party for establishing leadership schools for women and introducing modest quotas for women in the civil service. It is concerned, however, about the low level of participation of women in the Majlisi Oli (6.3 per cent), ministerial positions (8 per cent) and positions in the judiciary, foreign service and local administration, as well as in decision-making positions across all sectors.

32. **The Committee recommends that the State party:**

(a) **Introduce and implement temporary special measures, such as quotas for political appointments, to accelerate the equal representation of women and men in all areas of public and political life, in particular in decision-making positions, at the national and local levels and in the foreign service, and allocate adequate resources for the implementation of such measures;**

(b) **Establish a reserve list of competent women candidates for appointment to managerial and leadership positions and monitor its implementation;**

(c) **Introduce incentives, such as party financing, funding the campaigns of women candidates or the strengthening of women's wings of political parties, to encourage political parties to promote women to senior positions within their party structures and to increase the visibility of female candidates during election campaigns;**

(d) **Provide training to women on political leadership, campaigning and negotiation skills;**

(e) **Monitor the use of disrespectful language and stereotypes to refer to women in public statements and media reporting and collect specific data on sexism in politics, to better understand and address such usage.**

Nationality

33. The Committee welcomes the legislative measures taken to address the statelessness of women and children and to ensure mandatory birth registration. It is concerned, however, about the following:

(a) Reports that women and children account for a large majority of stateless persons in the State party;

(b) Reports that stateless women lack access to housing, social assistance and employment opportunities and are subjected to deportations, discrimination and extortion by local officials, in particular due to their lack of identity documentation;

(c) The low level of birth registration in the State party, which stands at 88 per cent.

34. **The Committee recommends that the State party:**

(a) **Take measures to ensure that stateless women, women of undetermined nationality and women at risk of statelessness, and their children, including in rural areas, have access to registration countrywide, including birth registration, identity documentation, justice, health care, housing, social assistance and employment opportunities and that they are not deported before their status is determined;**

(b) **Adopt, without delay, the law on amnesty, providing for the regularization of persons without identity documents, including women and their children, and harmonize the subordinate legislation on citizenship, refugees and asylum seekers;**

(c) **Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Education

35. The Committee notes the presidential quota for girls in higher education, the opening of a centre for gender equality education and efforts to conduct a gender analysis of school textbooks. The Committee is concerned, however, about the following:

(a) The low enrolment rate of girls in school, especially in remote areas;

(b) The high dropout rate among girls at the secondary and higher levels of education and the absence of re-entry policies;

(c) The absence of reliable data on the rates among girls in secondary and higher education of school dropout attributable to early marriage, pregnancy or discriminatory gender stereotypes that favour access for boys to education;

(d) The low rates of enrolment in higher education and technical and vocational education among women, and the absence of targeted measures to encourage them to choose non-traditional studies and career paths in fields such as science, technology, engineering and mathematics;

(e) The low level of representation of women among staff in institutions of higher education and at the Ministry of Education;

(f) The lack of access for women to recreational and professional sports.

36. **The Committee recommends that the State party:**

(a) **Accord priority to eliminating negative stereotypes and other barriers that hinder access for women and girls to education and that influence their choice to pursue traditional fields of education, take measures, including temporary special measures, and provide career counselling for girls on non-traditional career paths in such fields as science, technology, engineering and mathematics;**

(b) **Collect data, disaggregated by sex, on school dropout rates, and reduce and prevent school dropout among girls, including by introducing gender-sensitive re-entry policies to enable their return to school;**

(c) Review, on a regular basis, school curricula and textbooks to eliminate gender stereotypes;

(d) Improve the representation of women among staff in institutions of higher education and at the Ministry of Education;

(e) Introduce age-appropriate education on sexual and reproductive health and conduct awareness-raising programmes, specifically targeting young people, parents, men and pregnant women, with a focus on preventing adolescent pregnancy, domestic violence and HIV/AIDS;

(f) Ensure the availability of professional and recreational sports facilities.

Employment

37. The Committee welcomes the measures taken by the State party to support women entrepreneurs and to regulate domestic work and work from home. It is concerned, however, about the following:

(a) The persistent gender pay gap and vertical and horizontal occupational segregation in the labour market;

(b) The concentration of women in the informal sector and in low-paying jobs in the health-care, education and agriculture sectors;

(c) The low level of labour participation among women (32.6 per cent) and the low employment rate among women (40.5 per cent), compared with men (59.5 per cent);

(d) The absence of social security coverage, the shortage of preschool facilities and conflicting family responsibilities, which make women particularly prone to unemployment;

(e) The persistent restriction on the employment of women in hard, underground, heavy and hazardous work, work in harmful conditions and involving manual lifting (articles 160, 161 and 216 of the Labour Code) and the adoption of the list of occupations for which the employment of women is prohibited, in 2017;

(f) The lack of access to employment for women with a reduced capacity for competitiveness, such as women with disabilities, mothers with several children, women heads of single-parent families, pregnant women and women who have been left behind by male migrants.

38. **The Committee recommends that the State party:**

(a) Review the implementation of the current State strategy for the development of the labour market from a gender perspective and analyse its impact, including how it has contributed to overcoming gender disparities in employment and to increasing employment opportunities for women;

(b) Adopt and implement, on the basis of the above-mentioned review, targeted, time-bound measures, including temporary special measures, to create more opportunities for women to gain access to formal, higher-paying and male-dominated sectors, including providing improved access to vocational education and training, a strengthened and diversified curriculum for vocational institutions, bridge programmes for secondary schools and vocational institutions and incentives for public- and private-sector employers in traditionally male-dominated fields to recruit women;

(c) Repeal articles 160, 161 and 216 of the Labour Code and the list of occupations for which the employment of women is restricted or prohibited to

ensure that any restrictions are applied on the basis of an individual's capacity and not to women in general;

(d) **Effectively implement the principle of equal pay for work of equal value by regularly reviewing wages and adopting measures to close the gender pay gap;**

(e) **Introduce flexible working arrangements for both women and men, provide more and improved public childcare facilities and raise awareness about equal sharing of family and domestic responsibilities between women and men;**

(f) **Improve access to employment and training opportunities for women with a reduced capacity for competitiveness, such as women with disabilities, mothers with several children, women heads of single-parent families, pregnant women and women who have been left behind by male migrants;**

(g) **Ratify the Maternity Protection Convention, 2000 (No. 183) and the Workers with Family Responsibilities Convention, 1981 (No. 156) of the International Labour Organization to ensure access to maternity protection for all working women and a balance between work and family.**

Health

39. The Committee welcomes the health-care reform, the decreases in the maternal and infant mortality and abortion rates and the policy measures to address the HIV/AIDS pandemic in the State party. The Committee is concerned, however, about the following:

(a) The high maternal mortality rate (24.3 deaths per 100,000 live births);

(b) The growing incidence of HIV/AIDS among women, mainly through sexual transmission, and the increase in the number of HIV-positive pregnant women;

(c) The criminalization of the transmission of HIV/AIDS under article 125 of the Criminal Code;

(d) Reports that admission to some secondary vocational and higher educational institutions is conditional upon the results of HIV tests;

(e) The Government decrees of 25 September 2018 and of 1 October 2004 prohibiting HIV-positive women from pursuing a medical degree, adopting a child or being a legal guardian;

(f) The lack of access to medical coverage for women belonging to disadvantaged groups.

40. **The Committee recommends that the State party:**

(a) **Strengthen its policy aimed at reducing maternal, newborn and child mortality rates and preventing mother-to-child transmission of HIV, by ensuring that the relevant State programmes and plans are effectively implemented and adequately funded and providing access to health-care facilities and trained medical personnel;**

(b) **Improve access for all women and girls, including those living with HIV/AIDS, in particular in rural and remote areas, to high-quality health-care services, including during pregnancy and childbirth;**

(c) **Establish a mechanism to ensure that children born to HIV-infected mothers receive breast milk substitutes from the moment of birth until the final HIV diagnosis;**

(d) **Strengthen the provision of age-appropriate sexual and reproductive health services and increase access to affordable and safe modern contraceptives;**

(e) **Decriminalize the transmission of HIV/AIDS (article 125 of the Criminal Code) and repeal the Government decrees of 25 September 2018 and of 1 October 2004 prohibiting HIV-positive women from pursuing a medical degree, adopting a child or being a legal guardian.**

Rural women

41. The Committee welcomes the inclusion of rural women in the national development strategy for the period up to 2030, the presidential quota for girls from remote mountain regions to gain access to higher vocational education institutions, the provision of mobile court sessions and the use of gender indicators in the agricultural sector. The Committee notes that 19.2 per cent of *dekhan* farms (smallholder farms) are headed by women. It notes with concern that:

(a) The majority of rural women are employed in the informal sector of the economy and their situation remains precarious;

(b) Reportedly, rural women lack access to education, health care, training and formal employment opportunities, retirement and social security schemes and natural resources, such as land, on an equal basis with men;

(c) There are no statistics disaggregated by age, gender and geographical area that would allow the Committee to assess the situation of rural women.

42. **Recalling its general recommendation No. 34 (2016) on the rights of rural women and its previous recommendations (CEDAW/C/TJK/CO/4-5, para. 30), the Committee recommends that the State party:**

(a) **Adopt measures, including temporary special measures, to ensure that rural women, including women employed in informal sectors of the economy, have access to education, health care, housing, formal employment, social security and retirement schemes, life-long training opportunities and ownership and use of land and that their specific needs are taken into account;**

(b) **Ensure the equal participation of rural women in decision-making, including by involving them in the design, development, implementation, monitoring and evaluation of all relevant plans and strategies, such as those relating to health, education, employment, retirement and social security;**

(c) **Strengthen collection of data on rural women, disaggregated by age, gender and geographical area, to assess their situation and the progress made over time.**

Disadvantaged groups of women

43. The Committee notes with concern the vulnerability of the following groups whose members suffer multiple forms of discrimination: refugee women, migrant women, women who have been left behind by male migrants, widows of male migrants, stateless women, women and girls with disabilities, women living with HIV/AIDS, women in prison and women who are former inmates, lesbian, bisexual and transgender women and intersex persons. The Committee is particularly concerned about reports that:

(a) Asylum seekers and refugees, including women and girls, have been confined to specific areas in the State party, pursuant to government resolutions 325 and 328 and the government decision of 26 July 2000 on the establishment of a list

of populated areas in which the temporary residence of asylum seekers and refugees is not permitted;

(b) Women in prison are not allowed to be visited by international and civil society organizations and there is a lack of proper prison release management to support and integrate women who are former inmates, due to the lack of a specific legislative and policy framework;

(c) There is no specific legislative and policy framework on mental health and there is a lack of institutions offering inclusive education, and persons with disabilities, including women and girls, face physical barriers in gaining access to public transport and health and educational institutions and have been subjected to mandatory institutionalization, violence, including sexual violence, and abuse in medical institutions as well as in private settings;

(d) Lesbian, bisexual and transgender women and intersex persons are subjected to police abuse, such as blackmailing, extortion, forced testing for HIV/AIDS and sexually transmitted infections, arbitrary detention and ill-treatment, including "corrective" rape, while "lists" of such persons have been compiled by the authorities and for blackmailing.

44 **The Committee recommends that the State party:**

(a) **Take all measures, including temporary special measures, to improve the situation of women belonging to disadvantaged groups, protect them from exploitation and improve their access to health care, social benefits, psychological assistance, education and employment opportunities and participation in public and political life and allocate the funds necessary for the effective implementation of such measures;**

(b) **Establish mechanisms to regularly monitor the impact of social and economic policies on disadvantaged groups of women;**

(c) **Repeal its resolutions 325 and 328 and the government decision of 26 July 2000 on the establishment of a list of populated areas in which the temporary residence of asylum seekers and refugees is not permitted, which limit the freedom of movement and residence of asylum seekers and refugees, including women and girls;**

(d) **Accelerate the adoption of the draft law on labour migration, while ensuring that it effectively protects the rights of migrant women, widows of male migrants and women who have been left behind by male migrants;**

(e) **Adopt a comprehensive legal and policy framework for mental health, ensure the provision of inclusive education and access to employment opportunities for women and girls with disabilities, enhance reasonable accommodation in education, transport and schools, ensure that women and girls with disabilities are not subjected to mandatory institutionalization, violence, including sexual violence, or abuse, investigate reports of the abuse of women and girls in medical institutions and provide personal assistance, including interpreters, in the courts;**

(f) **Ensure access, in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), to detention facilities for international and civil society organizations for independent monitoring, adopt a legislative and policy framework for proper prison release management and the social integration of women who are former inmates, taking into account their specific needs, and provide support services to them and create a national protection mechanism;**

(g) Effectively address complaints of police abuse by lesbian, bisexual and transgender women and intersex persons, dismantle official and non-official lists of such persons and ensure that civil society organizations working on those issues enjoy the rights to freedom of expression, assembly and association;

(h) Provide comprehensive information and collect statistical data, disaggregated by sex, age and nationality, that can be used to assess the situation of disadvantaged groups of women.

Marriage and family relations

45. The Committee is concerned about the following:

(a) The introduction into the Family Code, in 2016, of mandatory check-ups that are reportedly used to perform so-called "virginity tests" for future brides, which contribute to an increase in suicide rates among young women;

(b) The high incidence of polygamous unions, child and forced marriages and the decline in the official registration of marriages;

(c) That, under the Family Code, domestic courts may lower the minimum age of marriage by one year, from 18 years;

(d) The poor enforcement of court orders to recover child support alimony.

46. **The Committee recommends that the State party:**

(a) Eradicate the practice of mandatory check-ups (so-called "virginity tests") for future brides and revise the Family Code accordingly;

(b) Take measures to prevent and eradicate child and forced marriages, in particular by:

(i) Strengthening awareness-raising campaigns on the negative effects of such marriages on the health and well-being of women and girls;

(ii) Establishing mechanisms to detect cases of child and forced marriages;

(iii) Taking stock of court cases to identify the reasons given for applications for the lowering of the minimum age of marriage;

(iv) Ensuring that *nikokh* (religious marriages) do not violate the minimum legal age of marriage and the prohibition on bigamy and polygamy;

(v) Systematically collecting data on the number of complaints, investigations, prosecutions, convictions and penalties imposed with regard to the prohibition on child, forced, bigamous and polygamous marriages;

(c) Promote and encourage the official registration of marriages, including through awareness-raising initiatives, the removal from the Family Code of the requirement that women submit to a check-up prior to concluding a marriage contract, and the provision of infrastructure to make registration accessible;

(d) Take measures, including legislative measures, to ensure that women entering into religious marriages and de facto unions are provided with protection and redress in the case of separation, and ensure awareness-raising in this connection;

(c) Ensure the effective implementation of court decisions ordering the recovery of child support alimony, including by introducing enforcement mechanisms and deterrent penalties in the case of non-implementation.

Amendment to article 20 (1) of the Convention

47. **The Committee encourages the State party to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Beijing Declaration and Platform for Action

48. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

Dissemination

49. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the Majlisi Oli and the judiciary, to enable their full implementation.**

Ratification of other treaties

50. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which it is not yet a party.**

Follow-up to the concluding observations

51. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 26 (a), 36 (a) and 46 (c) above.**

Preparation of the next report

52. **The Committee requests the State party to submit its seventh periodic report, which is due in November 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

53. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.